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Date of Deposit: April 16, 2002

Case No. 8285/167

#14  
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4/29/02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

GAYLE R. EKSTROM et al.

Serial No: 09/097,186

Examiner: H. Agdeppa

Filed: June 12, 1998

Group Art Unit: 2642

For: SYSTEM AND METHOD  
FOR ROUTING BOTH  
TOLL-FREE AND  
CALLER-PAID  
TELEPHONE CALLS TO  
CALL SERVICE  
CENTERS

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**APR 22 2002**

**Technology Center 2600**

**APPELLANT'S BRIEF IN SUPPORT OF THE APPEAL TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This Appeal is in response to the Final Office Action mailed July 16, 2001,  
and Advisory Action dated January 2, 2002.

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## TABLE OF CONTENTS

|       |  |    |
|-------|--|----|
| I.    | REAL PARTY IN INTEREST.....  | 3  |
| II.   | RELATED APPEALS AND INTERFERENCES .....  | 3  |
| III.  | STATUS OF CLAIMS.....  | 3  |
| IV.   | STATUS OF AMENDMENTS.....  | 3  |
| V.    | SUMMARY OF INVENTION.....  | 4  |
| VI.   | ISSUES.....  | 5  |
| VII.  | GROUPING OF THE CLAIMS.....  | 5  |
| VIII. | ARGUMENTS.....   | 5  |
| A.    | Group 1 - Claim 1 Is Not Obvious Under 35 U.S.C.<br>§ 103 Over Crockett.....           | 5  |
| B.    | Group 2 – Claims 2 And 4-6 Are Not Obvious Under<br>35 U.S.C. §103 Over Crockett ..... | 7  |
| C.    | Group 3 – Claim 3 Is Not Obvious Under 35 U.S.C.<br>§103 Over Crockett.....            | 7  |
| D.    | Group 4 – Claims 7-15 Are Not Obvious Under 35<br>U.S.C. §103 Over Crockett.....       | 7  |
| E.    | Group 5 – Claims 16-22 Are Not Obvious Under 35<br>U.S.C. §103 Over Crockett.....      | 8  |
| IX.   | CONCLUSION.....  | 9  |
| X.    | APPENDIX .....   | 11 |

## **I. REAL PARTY IN INTEREST**

The real party in interest for this appeal is SBC Communications, Inc., a Delaware Corporation with an office at 175 East Houston, San Antonio, Texas, 78205, pursuant to an assignment of the above-identified application to Ameritech Corporation from the inventors. Ameritech Corporation is a wholly-owned subsidiary of SBC Communications, Inc.

## **II. RELATED APPEALS AND INTERFERENCES**

The undersigned is unaware of any other appeals or interferences that will be directly affected by or have any bearing on the Board's decision in the pending Appeal.

## **III. STATUS OF CLAIMS**

Claims 1-22 are pending and stand finally rejected as allegedly obvious under 35 U.S.C. § 103(a) over Crockett (US 5,590,188). The attached Appendix sets forth the appealed claims in the presently amended form. All of the finally rejected claims are appealed.

## **IV. STATUS OF AMENDMENTS**

The Response and Amendment mailed April 23, 2001, has been entered and the Reply Under 37 C.F.R § 1.116 mailed September 17, 2001, has been considered. No other amendments are outstanding.

## **V. SUMMARY OF INVENTION**

Appellant's invention relates to a system and method for routing both toll-free and caller-paid telephone calls to call service centers (Page 2, lines 26-27; FIG. 1). An embodiment of the system 10 comprises a call service with at least two call service centers 26 (Page 3, lines 7-13). In the system, interexchange networks 12 handle toll-free (e.g., 800) telephone calls to the call centers and a local exchange network 14 handles caller paid local calls to the call centers (Page 5, line 23 – Page 6, line 4). The routing of telephone calls directed to the call service is based on availability of agents 28 at the call centers 26 that is determined by automatic call distributor devices (ACD) 30 in communication with a specific call center 26 and an intelligent processing platform (IPP) 16 that oversees all of the ACD's and their respective call centers (Page 3, lines 19-30). The local exchange network 14 preferably possesses advanced intelligent network (AIN) capabilities with a service switching point (SSP) 38 and a service control point (SCP) 40. The SCP 40 has an IPP interface 50 to allow it to communicate with the IPP 16 regarding call routing information (Page 5, lines 1-2; FIGS. 2-3).

The method disclosed uses the system 10, which has both an interexchange carrier switch and a local exchange carrier switch in communication with the IPP as described above, to recognize caller-paid (e.g., local) telephone calls directed to the call service by, for example, AIN triggers (FIGS. 2 and 4; Page 5, lines 23-31). The SCP 50 will then know to communicate with the IPP 16 to receive routing instructions to an appropriate call center so that the local, caller-paid call is included in the IPP's routing calculations of other toll-free calls and thus receives the same routing control as other, toll-free, calls directed to the call service over an interexchange switch (Page 5, line 31 – Page 6, line 20). This permits a call service to maintain a local presence while also maintaining the advantages of a centralized call distribution network (Page 8, lines 5-11).

## **VI. ISSUES**

There is one issue presented in this appeal: whether claims 1-22 are obvious under 35 U.S.C. § 103 in view of the Crockett reference.

## **VII. GROUPING OF THE CLAIMS**

As to the rejection of all of the pending claims (1-22) under 35 U.S.C. § 103 in view of the above identified reference, Appellant identifies the following grouping of claims:

- Group 1      Claim 1
- Group 2      Claims 2 and 4-6; these claims stand or fall together.
- Group 3      Claim 3
- Group 4      Claims 7-15; these claims stand or fall together.
- Group 5      Claims 16-22; these claims stand or fall together.

## **VIII. ARGUMENTS**

### **A. Group 1 - Claim 1 Is Not Obvious Under 35 U.S.C. § 103 Over Crockett**

The cited Crockett reference lacks any teaching or suggestion of the system of claim 1. Specifically, Crockett lacks the following elements recited in claim 1: a) a local exchange network for handling caller-paid telephone calls directed to a call service and b) a call routing processor in communication with both an interexchange network and a local exchange network that is configured to provide individual routing instructions to the local and interexchange networks in response to routing queries received from each of the networks regarding calls received at the respective networks directed to the call service.

Crockett's teachings are directed to rules-based call routing in general and do not discuss a system for caller-paid and toll-free call routing. Crockett discusses two generic embodiments of rules executed by a call routing processor on calls destined for call centers – one where the call routing processor knows of

the status of call centers and one where it does not know the status of the call centers (Col. 5, line 66 – Col. 7, line 9).

Crockett discloses and claims methods of distributing calls based on various parameters, identifies one switch 14 and makes it clear that “[t]he switch is conventional and forms no part of the present invention.” (Col. 4, lines 65-67). Crockett only identifies, and repeatedly identifies, interexchange carrier (IXC) switches and 800 (N00) numbers in its examples of how its invention is used (Background, Col. 1, lines 15-25; Col. 1, line 55 - Col. 2, line 12; Detailed Description, Col. 13, lines 10-15; Col. 14, lines 5-15 and lines 56-64; Col. 15, lines 7-35).

Crockett fails to teach, suggest or disclose handling caller-paid calls from local exchange networks or coordinating calls to a call service from both local exchange carriers and interexchange carriers. Crockett also fails to teach, suggest or disclose any system or method including a call routing processor configured to provide individual routing instructions to local exchange networks (caller-paid) and interexchange networks (toll-free) in response to routing requests from each of these networks for calls directed to a particular call service.

In the Advisory Action dated January 2, 2002, the Examiner acknowledges that Crockett lacks any teaching of a local exchange network, however he states that “it would be obvious to handle local calls in the same manner” and that the issue is “simply that is possible in view of the prior art.” Appellant notes that the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1017, 1074 (Fed. Cir. 1988). To satisfy this burden, the Examiner must show some objective teaching in the prior art or explain how one of ordinary skill in the art would be motivated to combine the relevant teachings. *See id.* Crockett does not teach or suggest the elements of claim 1 recited above.

For at least the reasons set forth above, Appellant respectfully submits that the rejection of independent claim 1 as obvious over Crockett is improper and should be withdrawn.

**B. Group 2 – Claims 2 And 4-6 Are Not Obvious Under 35 U.S.C. §103 Over Crockett**

In addition to the reasons for non-obviousness set forth in paragraph A above, Appellant submits that the Crockett reference not only fails to teach or suggest a local exchange network, but it also fails to teach or suggest that the local exchange network is an advanced intelligent network. Crockett's disclosure of an interexchange carrier network cannot be considered a suggestion of a local exchange networking having advanced intelligent network capabilities. Accordingly, Appellant respectfully submits that dependent claims 2 and 4-6 are allowable over Crockett.

**C. Group 3 – Claim 3 Is Not Obvious Under 35 U.S.C. §103 Over Crockett**

Dependent claim 3 recites a call routing processor that comprises common call routing scripts for routing telephone calls received from the interexchange network and the local exchange network. Crockett is missing this element. Appellant submits that the concept of common routing scripts for local exchange and interexchange networks cannot be suggested in Crockett when only a single type of network is contemplated in Crockett. Thus, in addition to the reasons for non-obviousness set forth in paragraph A above, Appellant submits that the Crockett reference not only fails to teach or suggest a local exchange network, but it also fails to teach or suggest that the call routing processor uses common call routing scripts to communicate with the local exchange and interexchange networks. Accordingly, Appellant respectfully submits that dependent claim 3 is allowable over Crockett.

**D. Group 4 – Claims 7-15 Are Not Obvious Under 35 U.S.C. §103 Over Crockett**

The cited Crockett reference lacks any teaching or suggestion of the system of claim 7. Specifically, Crockett lacks a) a local exchange network for handling caller-paid telephone calls directed to a call service; b) a call routing processor in communication with both an interexchange network and

a local exchange network that is configured to provide individual routing instructions to the local and interexchange networks in response to routing queries received from each of the networks regarding calls received at the respective networks directed to the call service; and c) a call controller in the local exchange network that comprises a call routing processor interface with communication logic for communicating with the call routing processor.

As identified in paragraph A above, the Crockett reference lacks disclosure of either the concept or apparatus for handling calls to a call service from a local exchange network and an interexchange network. The difference between claim 7 and the Crockett reference is further accentuated by the call routing processor interface recited in claim 7 which contains communication logic for communicating between the call routing processor and the local exchange network. For at least these reasons, Appellant respectfully submits that independent claim 7 is allowable over Crockett. Because claims 8-15 depend from independent claim 7, claims 8-15 are allowable for at least the same reasons as claim 7.

**E. Group 5 – Claims 16-22 Are Not Obvious Under 35 U.S.C. §103 Over Crockett**

Claims 16-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Crockett reference.

Crockett lacks any teaching or suggestion of the method of claim 16. Appellant submits that the rejection of claim 16 is improper under §103 as the Examiner has already stated that the Crockett reference does not disclose a local exchange network (see Final Office Action mailed July 16, 2001, page 3) and thus cannot be said to teach the steps of receiving a caller-paid telephone call at a switch in a local exchange network and requesting call routing instructions from a call routing processor in communication with both a local exchange network and inner exchange network recited in independent claim 16. The Examiner recites that "it would be obvious to one skilled in the art to have also allowed the invention of Crockett to interact with an LEC



inasmuch as it is well known in the art for companies providing 800/toll-free call center services to also accept local, caller-paid calls.” (Final Office Action mailed July 16, 2001, pages 3-4). The Crockett reference lacks any teaching or suggestion of a method of identifying a caller-paid call made through a switch at a local exchange network, and then the local exchange network communicating with the call service’s call processor to obtain routing instructions to a call service center in a system that handles local calls and toll-free calls to the call service center. Specifically, the step of requesting call routing instructions from the call routing processor handling calls to a specific call service center from both an interexchange network and a local exchange network is completely lacking in Crockett. Appellant respectfully submits that the §103 rejection is inappropriate based on Crockett alone and that the Examiner has failed to show either a reference that discloses a local exchange network in communication with a call routing processor or any reference that teaches or suggests the combination of a local exchange network and an interexchange network communicating with a call routing processor to handle both toll-free and caller-paid telephone calls to a call service. Accordingly, Appellant respectfully requests withdrawal of the improper rejection of claim 16. Because claims 17-22 depend from claim 16, claims 17-22 are patentable for at least the same reasons as claim 16.

## **IX. CONCLUSION**

In summary, Appellant respectfully submits that claims 1-22 were improperly rejected under 35 U.S.C. §103(a) because the cited prior art does not disclose a call service handling both toll-free telephone calls from an interexchange network and caller-paid telephone calls from a local exchange network through a common call routing processor, where caller-paid telephone calls may be managed in the same manner as the toll-free calls typically made to call services. Appellant submits that the generic rules based call processing for toll-free telephone calls disclosed in the Crockett reference does not teach the

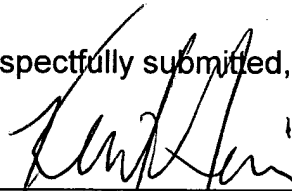
method or apparatus in the pending claims for handling caller-paid telephone calls to a call service through a common call processor shared with an interexchange network.

The Examiner's rejection of the claims is based on the assertion that the disclosure in the Crockett reference to a generic rules based call routing system makes it obvious to one skilled in the art to interact with a local exchange network and an interexchange network. Particularly troubling is the assertion that "it in fact would be obvious to handle local calls in the same manner [as the toll-free calls in Crockett]. Whether or not one would chose [sic] to do so is not at issue, simply the fact that it would be possible in view of the prior art." (Advisory Action dated January 2, 2002). Appellant submits that the current obviousness rejection is inappropriate in that the prior art reference lacks any disclosure of the missing elements or steps relating to handling local exchange network, caller-paid telephone calls in combination with interexchange network, toll-free calls and fails to provide a teaching or suggestion to combine these missing elements and steps with what is disclosed in the Crockett reference.

For all the reasons set forth above, Appellant respectfully submits that the outstanding rejection should be withdrawn and that pending claims 1-22 should be allowed.

Dated: April 16, 2002

Respectfully submitted,



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## **X. APPENDIX**

1. A system for routing both toll-free and caller-paid telephone calls comprising:

a call service having at least two call service centers;

an interexchange network for handling toll-free telephone calls directed to the call service;

a local exchange network for handling caller-paid telephone calls directed to the call service; and

a call routing processor in communication with the call service centers, the interexchange network, and the local exchange network, wherein the call routing processor is configured to receive status messages from the call service centers and provide individual routing instructions to a respective one of the interexchange network and the local exchange network in response to a routing query to the call routing processor from the respective one of the interexchange network and local exchange network for each call directed to the call service, and wherein the toll-free and caller-paid telephone calls to the call service originating at the interexchange network and the local exchange network are routed to an appropriate service center.

2. The system of claim 1, wherein the local exchange network comprises an advanced intelligent network.

3. The system of claim 1, wherein the call routing processor further comprises common call routing scripts for routing telephone calls received from the interexchange network and the local exchange network.

4. The system of claim 2, wherein the advanced intelligent network comprises at least one service control point (SCP) in communication with the call routing processor over a data channel.

5. The system of claim 4, wherein the SCP further comprises a call routing processor interface in communication with the call routing processor over the data channel.

6. The system of claim 5 further comprising an intelligent peripheral in communication with a switch via a data channel and a voice/information channel.

7. A system for routing both toll-free and caller-paid telephone calls, the system comprising:

a call service having a plurality of call service centers

an interexchange network for handling toll-free telephone calls directed to the call service;

a local exchange network for handling caller-paid telephone calls directed to the call service, the local exchange network having a call controller;

a call routing processor in communication with the call service centers, the interexchange network, and the local exchange network, the call routing processor configured to receive status messages from the call service centers and provide individual routing instructions to a respective one of the interexchange network and the local exchange network in response to a routing query to the call routing processor from the respective one of the interexchange network or local exchange network for each call directed to the call service, wherein the call controller comprises a call routing processor interface having communication logic for communicating with the call routing processor.

8. The system of claim 7, wherein the call routing processor interface further comprises default instruction logic for routing a caller-paid telephone call to a call service center in an absence of routing instructions from the call routing processor.

9. The system of claim 7, wherein the call processor interface further comprises service logic responsive to caller-paid telephone calls directed to a particular call service and capable of performing predetermined functions on the caller-paid telephone call.

10. The system of claim 7, wherein the communication logic for communicating with the call routing processor comprises a routing query message format, the routing query message format having information on a telephone number of a calling party of a caller-paid telephone call.

11. The system of claim 10, wherein the information on the telephone number of the calling party comprises an area code of the calling party, wherein the telephone number of the calling party is not shown to a called party.

12. The system of claim 10, wherein the information on the telephone number of the calling party comprises an area code and a prefix of the telephone number of the calling party, wherein the telephone number of the calling party is not shown to a called party.

13. The system of claim 10, wherein the information on the telephone number of the calling party comprises a presentation restriction indicator, wherein the telephone number of the calling party is not shown to a called party.

14. The system of claim 10, wherein the information on the telephone number of the calling party comprises originating station data, whereby a type of originating station for a caller-paid telephone call is identified.

15. The system of claim 7, wherein the interexchange network comprises a plurality of interexchange networks and the local exchange network comprises a plurality of local exchange networks.

16. A method of routing caller-paid and toll-free telephone calls directed to a call service in system for routing both toll-free and caller-paid telephone calls, the system comprising a call service having a plurality of call service centers, an interexchange network for handling toll-free telephone calls directed to the call service, a local exchange network for handling caller-paid telephone calls directed to the call service, the local exchange network having a call controller, and a call routing processor in communication with the call service

centers and provide routing instructions to the interexchange network and the local exchange network, the method comprising the steps of:

receiving a caller-paid telephone call at a switch in the local exchange network;  
identifying that the caller-paid call is a call directed to a call service;  
requesting call routing instructions from the call routing processor;  
and  
routing the caller-paid telephone call according to the call routing instructions received from the call routing processor.

17. The method of claim 16, wherein the step of requesting call routing instructions comprises examining service logic in a call routing processor interface for instructions on handling telephone calls to a particular call service, executing the instructions and sending a routing query message to the call routing processor.

18. The method of claim 17, wherein the step of executing the instructions comprises the steps of playing a message to a caller and collecting at least one digit entered by the caller in response to the message, and wherein the step of sending a routing query message comprises sending the at least one collected digit to the call routing processor.

19. The method of claim 17, wherein the local exchange network further comprises a switch in communication with the call controller, and wherein the step of executing the instructions comprises the steps of the call controller instructing the switch to play a message and collect at least one digit entered by a user in response to the message, and the switch communicating the at least one digit to the call controller.

20. The method of claim 17, wherein the local exchange network further comprises a switch in communication with the call controller, and an intelligent peripheral in communication with the switch, wherein the step of executing the instructions comprises the steps of the call controller instructing the

intelligent peripheral to play a message and collect at least one digit entered by a user in response to the message, and the intelligent peripheral communicating the at least one digit to the call controller.

21. The method of claim 16, further comprising the step of the call controller requesting subsequent call routing instructions from the call routing processor if the routed caller-paid call encounters a busy signal.

22. The method of claim 16, further comprising the step of the call controller requesting subsequent call routing instructions from the call routing processor if the routed caller-paid call encounters a no answer condition.

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| TRANSMITTAL LETTER   |                              |                        | Case No. 8285/167      |
|--|------------------------------|------------------------|------------------------|
| Serial No.<br>09/097,186   | Filing Date<br>June 12, 1998 | Examiner<br>H. Agdeppa | Group Art Unit<br>2642 |
| Inventor(s)<br>Gayle R. Ekstrom et al.   |                              |                        |                        |
| Title of Invention<br>System And Method For Routing Both Toll-Free And Caller-Paid Telephone Calls To Call Service Centers |                              |                        |                        |

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Checks for \$110.00 (One Month Extension) and \$320.00 (Appeal Brief); Transmittal Letter (in duplicate); Petition and Fee for Extension of Time (in duplicate); Appeal Brief (in triplicate).

Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☒ Petition for a one month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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| Total                                     |                                  | Minus |                                 |               |
| Indep.                                    |                                  | Minus |                                 |               |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               |

| Small Entity    |           |
|-----------------|-----------|
| Rate            | Add'l Fee |
| x \$9=          |           |
| x 42=           |           |
| +\$140=         |           |
| Total add'l fee | \$        |

| Other Than Small Entity |           |
|-------------------------|-----------|
| Rate                    | Add'l Fee |
| x \$18=                 |           |
| x \$84=                 |           |
| +\$280=                 |           |
| Total add'l fee         | \$        |

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

*Kent E. Genin*  
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Date of Deposit: April 16, 2002